

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No. 3532 OF 2018

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure by the petitioner/A.1 seeking to quash the proceedings against him in Crime No.206 of 2018 of Banjara Hills Police Station, Hyderabad, registered for the offence under Section 384 IPC against him and A.2.

The brief averments in the complaint are that the complainant gave his Swift VDI car bearing No.TS 09-EG-4281 to A.2 and without his permission, A.2 pledged the said vehicle to A.1. On knowing this, when the complainant enquired A.1, he rudely replied that the complainant may do whatever he likes. Hence, the complaint.

The submission of the learned counsel for the petitioner/A.1 is that the *de facto* complainant is the owner of the vehicle and himself and A.2 entered into an agreement, dated 09.04.2017, whereby they took a loan of Rs.5,00,000/- (Rupees five lakhs only) from A.1 and pledged the Swift VDI car bearing No.TS 09-EG-4281 with him and that is how A.1 got possession of the car, but he has not taken the vehicle illegally or unauthorisedly. Suppressing this material fact, the *de facto* complainant gave a false complaint to the police, much to the chagrin of the petitioner. Learned counsel, thus, prayed to quash the proceedings.

It is informed that the investigation is in nascent stage.

The veracity of the agreement, dated 09.04.2017 propounded by the petitioner/A.1 has to be determined only after the fullfledged investigation. The facts would reveal that the matter is of civil in nature. In that view, the investigation shall lead to its logical conclusion. However, the investigating officer shall not arrest the petitioner/A.1 during the course of investigation and he shall strictly follow the procedure contemplated under Section 41-A of CrPC during the course of investigation in respect of the petitioner/A.1.

The criminal petition is accordingly disposed of.

Consequently, miscellaneous petitions, if any pending, shall stand disposed of.

U.DURGA PRASAD RAO, J

27.03.2018
pln

